

REMARKS

Amendments

Amendments to the Claims

Applicant has amended the independent claims to more particularly point out what Applicant regards as the invention. No new matter has been added as a result of these amendments because they are supported, *intra alia*, in paragraphs 42-44.

Rejections

Double Patenting

Currently pending claims 21-24, 29-33, 36-38, 40-43, 45, 46, 49 and 52-53 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over various claims of U.S. Patent No. 6,282,713. Without admitting to the validity of the rejection and without admitting that any finding or determination with respect to the validity of the 6,282,713 patent will affect the validity of any patent issuing from the present application, Applicant submits herewith a terminal disclaimer and respectfully requests the withdrawal of the double patenting rejection of claims 21-24, 29-33, 36-38, 40-43, 45, 46, 49 and 52-53.

Rejections under 35 U.S.C. § 101

Claims 36-38 and 40-43 stand rejected under 35 U.S.C. § 101 because the claimed computer-readable medium embodies only functional descriptive material. Applicant has amended independent claim 36 as indicated by the Examiner and respectfully requests the withdrawal of the objection to claims 36-38 and 40-43 under 35 U.S.C. § 101.

Rejections under 35 U.S.C. § 102(e)/35 U.S.C. § 103(a)

Claims 21-22, 29, 30, 32-33, 36-37, 40-42, 45-46, 49, 52 and 58-61

Claims 21-22, 29, 30, 32-33, 36-37, 40-42, 45-46, 49, 52 and 58-61 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kikinis, U.S. Patent 5,929,849 or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Kikinis in view of Holman, U.S. Patent, 5,285,278 (previously cited). Applicant does not admit that Kikinis is prior art and reserves the right to challenge the reference at a later date.

Kikinis discloses an interactive advertising mark that is displayed with a commercial for a product. When the interactive advertising mark is activated, a corresponding Web page is displayed over the commercial. The Web page contains more information about the product in the commercial.

Applicant claims a plurality of items that are used in a scene of a broadcast program, and a single advertising mark for the plurality of items. The Examiner asserts that the contents of Kikinis' Web page is equivalent to Applicant's claimed plurality of items. However, Kikinis' Web page only contains additional information about the product. Kikinis does not teach or suggest that the Web page information is used in a scene of a broadcast program because the Web page information is merely displayed on top of the commercial. Thus, Kikinis cannot be properly interpreted as disclosing a single advertising mark for a plurality of items used in a scene of a broadcast program.

Holman discloses an electronic redeemable coupon generating system. Holman does not teach or suggest a single advertising mark for a plurality of items used in a scene of a broadcast program. Thus, the combination of Kikinis and Holman cannot be properly interpreted as disclosing Applicant's single advertising mark as claimed.

Therefore, Applicant respectfully submits that the invention claimed in claims 21-22, 29, 30, 32-33, 36-37, 40-42, 45-46, 49, 52 and 58-61 is not anticipated by Kikinis. Furthermore, Applicant respectfully submits that the invention claimed in claims 21-22, 29, 30, 32-33, 36-37, 40-42, 45-46, 49, 52 and 58-61 is not rendered obvious by the combination of Kikinis and Holman. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 102(e) over Kikinis and the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Kikinis and Holman.

Claims 23-24, 31, 38, 43 and 53

Claims 23-24, 31, 38, 43 and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kikinis and Holman.

Claims 23-24, 31, 38, 43 and 53 depend from one of independent claims 21, 36, 45 and 52. Because the combination of Kikinis and Holman does not teach or suggest Applicant's invention as claimed in the independent claims, the combination cannot be

properly interpreted as disclosing Applicant's invention as claimed in the dependent claims.

Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 23-24, 31, 38, 43 and 53, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Kikinis and Holman.

SUMMARY

Claims 21-24, 29-33, 36-38, 40-43, 45, 46, 49, 52-53, and 58-61 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

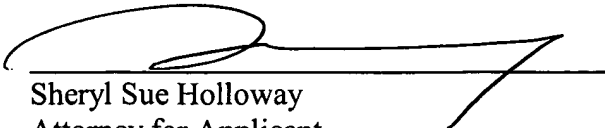
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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